

REMARKS

Claims 1-46 are pending in the application.

The Rejections under 35 U.S.C. §103

Claims 1-2, 5, 19-21, 29-30 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,002,935) in view of Thomas (U.S. Patent No. 6,212,385). Claims 4, 6, 31 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,002,935) in view of Thomas (U.S. Patent No. 6,212,385) as applied to claims 1-2, 5, 19-21, 29-30 and 32 above and further in view of Ritter (U.S. Patent No. 5,561,842). Claims 9, and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,002,935) in view of Thomas (U.S. Patent No. 6,212,385) as applied to claims 1-2, 5, 19-21, 29-30 and 32 above and further in view of He (U.S. Patent No. 6,482,718). Claims 10, and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,002,935) in view of Thomas (U.S. Patent No. 6,212,385) as applied to claims 1-2, 5, 19-21, 29-30 and 32 above and further in view of Shanbhag (U.S. 200/0037015). Claims 12, 14, 16-18, 22, 24, 26-28, 40, 42 and 44-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,002,935) in view of Thomas (U.S. Patent No. 6,212,385) as applied to claims 1-2, 5, 19-21, 29-30 and 32 above and further in view of Bi (U.S. Patent No. 6,438,380). Claims 7-8, 11, 35-36 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,002,935) in view of Thomas (U.S. Patent No. 6,212,385) as applied to claims 1-2, 5, 19-21, 29-30 and 32 and further in view of Suzuki (U.S. Patent No. 6,201,970). Claims 13, 15, 23, 25, 41 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,002,935) in view of Thomas (U.S. Patent No. 6,212,385) and further in view of Bi (U.S. Patent No. 6,438,380) as applied to claims 12, 14,

16-18, 22, 24, 26-28, 40, 42 and 44-46 and further in view of Engelbrecht (U.S. 6,148,219).

Applicants respectfully traverses the Examiner's position for the following reasons.

The Examiner bears the initial burden to establish a *prima facie* case of obviousness. As it is understood that the references must suggest or motivate modification of the reference or combination of the reference teachings, there must be a reasonable expectation of success of the modification or combination, and the references must teach or suggest all of the claim limitations. If the examiner does not produce a *prima facie* case, applicants are under no obligation to submit evidence of non-obviousness.

When evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. With regard to independent claims 1, 19, and 29, based on the language in col. 2, lines 10-14 and lines 28-39 of Wang, the examiner believes that Wang teaches the element of "assigning each channel block to at least one of the segregated geographical segments with predetermined priorities." The language in these lines along with Figs. 2A-2D only illustrate clusters of cells that utilized re-used frequencies. The cited patent fails to teach that the channel block assignment has to be with "predetermined priorities." More specifically, the priority relationships among frequency blocks are described in paragraph 28. According to the priority relationships among the frequency blocks, the BTS assigns the channels or "classifies traffic code channels (TCC) based on a channel assignment priority hierarchy such as the following: (1) Primary channels, (2) Secondary primary channels, (3) Third primary channels, (4) Fourth primary channels and so forth" (See paragraphs 43-48). As such, the rejection of at least one element of the claims is not supported by the prior art. Since all the limitations of claims 1, 19, and 29 have not been met by Wang, it is impossible to render the subject matter as a whole obvious.

Moreover, in the language identified by the Examiner, Thomas recognizes that "considerable adjacent channel interference (or splatter) prevalent in current repeat patterns" in situations where "different sectors use the same frequency groups." To assure that channels are separated far apart, it devises a channel grouping mechanism on a rotational basis and places consecutive channels to corresponding sectors of two neighbouring cells. Using such a mechanism, it does not use a priority hierarchy for assigning channel blocks. To a certain extent,

Thomas teaches away from the present disclosure by avoiding to deal with any one-to-one relevancy between any two channel blocks assigned to two neighbouring segments. It is understood that teaching away from the claimed invention is a *per se* demonstration of lack of *prima facie* obviousness, it is clear that the examiner has not borne the initial burden of factually supporting any *prima facie* conclusion of obviousness.

As such, for the reasons above, the outstanding rejections against claims 1, 19, and 29 should be withdrawn, and all rejections for their corresponding dependent claims 2-18, 20-28, and 31-46 are also overcome.

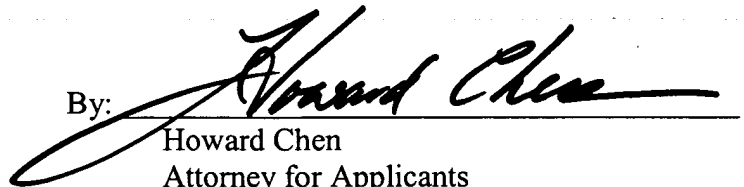
CONCLUSION

Applicants have made an earnest attempt to place this application in an allowable form. In view of the foregoing remarks, it is respectfully submitted that the pending claims are drawn to novel subject matter, patentably distinguishable over the prior art of record. The Examiner is therefore, respectfully requested to reconsider and withdraw the outstanding rejections.

Should the Examiner deem that any further clarification is desirable, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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